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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,455	07/17/2002	Chia-Hui Han	8423-US-PA	5799

31561 7590 04/11/2005

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

BLENMAN, AVALON

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/064,455	HAN, CHIA-HUI	
	Examiner	Art Unit	
	Avalon Blenman	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 1,5,7,10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1-11 are pending in this application.

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Taiwan on December 12th, 2001. The effective filling date for the pending claims is this application is December 12th, 2001.

Specification

2. The disclosure is objected to because of the following informalities: The phrase "provides a device code, but not provide different codes" is unclear (page 4, paragraph 11, lines 4-5). Should the phrase have read: provides a device code, but *does not* provide different codes? Appropriate correction is required.

Claim Objections

3. Claim 1 is objected to because of the following informalities: It is suggested applicant insert a space between the words "further" and "comprising" (line 4). Appropriate correction is required.

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4. Claim 5 is objected to because of the following informalities: It is suggested applicant remove "6." after the word system (line 2) for clarification. Appropriate correction is required.

5. Claim 5 is objected to under 37 CFR 1.75(c) as being in improper form. Claim 5 is dependent on claim 4 and itself. Furthermore, it is not written in single sentence format. Accordingly, claim 5 will be treated as best understood by examiner. Appropriate correction is required.

6. Claim 7 is objected to because of the following informalities: It is suggested applicant delete "the" before "network" (line 13). Appropriate correction is required.

7. Claim 10 is objected to because of the following informalities: It is believed applicant intended claim 10 to depend on claim 9 rather than on itself, and will be treated as such for the remainder of this office action. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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9. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter ("SubSystem ID" & "SubVendor ID") which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This claim will be treated as best understood by examiner.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claim 7 is rejected under 35 U.S.C. 112, second paragraph for the following:

- Claim 7 is narrative; the phrase "supporting a plurality of physical layers" is redundant (lines 5, 10, and 16). It is suggested these phrases be deleted.
- Claim 7 is indefinite; the phrase "the network interface adapter supporting the plurality of physical layers *has the plurality of physical layers*" (line 5) is unclear. Appropriate correction is required.
- Claim 7 recites the limitations "the device drivers" (line 12), and "the device code" (line 15). There is insufficient antecedent basis for these limitations in the claim.

12. Claim 8 is rejected under 35 U.S.C. 112, second paragraph for the following:

- Claim 8 is narrative. The phrase the “supporting a plurality of physical layers” is redundant (line 3-4). It is suggested this phrase be deleted.
- Claim 8 is indefinite; the phrase “the network interface adapter supporting the plurality of physical layers *has the plurality of physical layers*” (line 4) is unclear. Appropriate correction is required.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 7 & 8 is rejected under 35 U.S.C. 102(e) as being anticipated by McIntyre et al. (US Patent 6,381,218), hereafter referred to as McIntyre.

15. Regarding claim 7, McIntyre discloses a network interface system (fig 1, NICs) supporting a plurality of physical layers (NIC ports), suitable for a computer network.

- a network interface adapter (NIC) supporting the plurality of physical layers (“any network architecture”), for coupling the computer network wherein the network

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interface adapter has a device code (logic), and is able to connect the computer network through one of the network physical layers (col. 6, lines 8-12, 27-28, 58-63); and

- a computer system (fig. 2, #100), wherein, the computer system is used to insert the network interface adapter (see NICs fig. 2), and drives the network interface adapter according to one of the network physical layers are selected by a user (co. 5, lines 23-26), wherein, after the user installs the device drivers supporting the network physical layers, if the selected the network physical layer is to be changed, another physical layer is selected from a screen provided by the basic input/output system of the computer system (fig. 1, # 112-116); and then, the basic input/output system reads the device code (logic) provided by the network interface adapter supporting the plurality of physical layers to calculate a simulation device code corresponding to the selected network physical layer according to the network physical layer selected and the device code read, so that the device driver is enabled (col. 8, lines 30-39, col. 14, lines 54-65)

16. Regarding claim 8, McIntyre discloses a method supporting a plurality of physical layers ("any network architecture", col. 6, lines 8-12), suitable for a computer system (fig. 2, #100) with a network interface adapter (fig. 1, # 122, NICs) supporting the plurality of physical layers, wherein, the network interface adapter has a device code (logic), the computer system has a basic input/output system (fig. 1, #112-116) , and

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has installed a plurality of device drivers (fig. 3, D1-D4) supporting the network physical layers, wherein the method comprises the steps of:

- providing a selection setup screen (fig. 1, #112, display) of the basic input/output system to select one of the network physical layers, which is physically used (col. 5, lines 5-11, 23-26, col. 14, lines 50-54);
- reading the device code (logic) provided by the network interface adapter (NIC) supporting the plurality of physical layers (col. 14, lines 54-65); and
- according to the selected network physical layer and the read device code (logic), calculating a simulation device code corresponding to the selected network physical layer to enable one of the device drivers (col. 14, lines 54-65)

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIntyre in view of Szczepanek (US Patent 5,321,819).

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19. Regarding claim 1, McIntyre discloses as network interface system (fig. 1), capable of supporting a plurality of physical layers ("any network architecture, col. 6, lines 8-12) comprising:

- a network interface adapter supporting a plurality of physical layers, for connecting to a computer network, and further comprising:
 - a first type connector (port), coupling to the computer network through one of the network physical layers (col. 6, lines 27-28, 58-63); and
 - a second type connector (port), for coupling to the computer network through one of the network physical layers (col. 6, lines 27-28, 58-63)
- a computer system (fig. 1, #100), for inserting the network interface adapter (fig. #122, NICs) supporting the plurality of physical layers (NIC ports), and further comprising:
 - a basic input/output (fig. 1, #112-116), for providing a selection screen of the network physical layers and reading the device code, so as to calculate a simulation device code corresponding to a selected network physical layer according to the selected network physical layer and the device code (col. 5, lines 11-15, 23-26, col. 14, lines 50-54);
 - a chipset (fig. 1, #102, mother board and bus system), coupled to the basic input/output system, and embedded a network media access

controller to provide an interface for the network interface adapter (NIC) supporting the plurality of physical layers; and

- a central processing unit (CPU) (fig. 1, #104), coupled to the chipset (motherboard) to execute an operating system of the computer system, the basic input/output system, and set up a device driver of the computer system according to the simulation device code

McIntyre is silent as to the components of the network interface adapter (NIC). Nonetheless, these features would have been obvious modifications to the system disclosed by McIntyre as evidenced by Szczepanek.

In analogous art, Szczepanek discloses a network interface system (fig. 1), capable of supporting a plurality of physical layers (col. 2, lines 43-51), comprising:

- a network interface adapter (fig. 1 #12, network adaptor) supporting the plurality of physical layers (col. 4, lines 46-48), for connecting to a computer network (fig. 1, #14, network bus), and further comprising:
 - a physical layer chip (fig. 2, # 24, adapter chip), capable of supporting the plurality of physical layers (col. 5, lines 24-28);
 - a device code storage device (fig. 2, #44, memory), for storing a device code of the network interface adapter supporting the plurality of physical layers (col. 8, lines 24-28);

- a magnetic inductor (fig. 2, # 22a, bus), for coupling the physical layer chip (adapter chip), and interfacing between the physical layer chip and the computer network (fig. 1, #14) (col. 4, lines 35-38);

Given these features, at the time of the invention, one of ordinary skill in the art would have readily recognized the advantages and desirability of combining the systems of McIntyre and Szczepanek where the network interface adapter would comprise a physical layer chip, a device code storage device, and a magnetic inductor for coupling the physical layer chip.

The motivation for doing so would be to allow circuitry to permit communications with a plurality of networks, store device codes to be down loaded by the computer, and connect internal components of the network interface to the network (see Szczepanek col. 5, lines 55-60, lines col. 8, lines 24-28, and col. 4, lines 32-34 respectively).

20. Regarding claims **2 & 9**, McIntyre further discloses:

- the physical layer chip supports at least any two of the network physical layers of Ethernet, HomeNet, Wireless LAN and Home Plug (col. 6, lines 8-12)

21. Regarding claims **3 & 10**, McIntyre further discloses:

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- the computer system at least has installed any two of the device drivers of the network physical layers of Ethernet, HomeNet, Wireless LAN and Home Plug (col. 6, lines 47-50)

22. Regarding claim 4, McIntyre further discloses:

- the interface complies with the advanced communication riser interface standard defined by US AMD Corporation (col. 4, lines 48-53)

23. Regarding claim 5, McIntyre further discloses:

- the operating system is a Windows operating system (col. 6, lines 50-53); the wherein the device code comprises a *SubSystem ID* (OID) and a *SubVendor ID* of the PCI configuration (col. 14, lines 54-58)

24. Regarding claims 6 & 11, McIntyre further discloses:

- the basic input/output system program provides a manual option (manual mode) and an automatic option (Switch on Fail mode) , wherein when the automatic mode is selected by the user, the computer system automatically detects the network physical layer that is physically connected, and calculates the simulation device code for the computer system to recognize the connected network physical layer according to the detected result (col. 7, lines 21-33, col. 8, lines 48-57)


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avalon Blenman whose telephone number is (571) 272-5864. The examiner can normally be reached on Mon-Fri, 7:00 AM - 4:30 PM (even date Mons. off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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